

1 ERSKINE & TULLEY
A PROFESSIONAL CORPORATION
2 MICHAEL J. CARROLL (St. Bar #50246)
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3 San Francisco, CA 94104
Telephone: (415) 392-5431

4 Attorneys for Plaintiff
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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
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|--------------------------------------|---|--------------------------|
| 11 BOARD OF TRUSTEES OF THE NORTHERN |) | NO. C 07 4133 EMC |
| 12 CALIFORNIA FLOOR COVERING, et al. |) | |
| 13 Plaintiff, |) | DECLARATION OF ATTORNEY |
| 14 vs. |) | MICHAEL J. CARROLL IN |
| 15 CONCRETE SURFACE MASTERS, a |) | SUPPORT OF PLAINTIFF'S |
| 16 California corporation |) | EX PARTE APPLICATION FOR |
| 17 Defendant. |) | ORDER TO CONTINUE CASE |
| |) | MANAGEMENT CONFERENCE |

18 I, MICHAEL J. CARROLL, certify:

19 1. I am an attorney with the law firm of Erskine & Tulley,
20 A Professional Corporation, attorneys for plaintiff, BOARD OF TRUSTEES
21 OF THE NORTHERN CALIFORNIA FLOOR COVERING INDUSTRY WELFARE FUND; STEVE
22 HAVENS, TRUSTEE, in this action. I am duly admitted to practice law
23 in the United States District Court, Northern District of California.
24 If called as a witness, I could and would competently testify as
25 follows:

26 2. Service was accomplished upon the only party in this
27 case on September 21, 2007. No responsive pleading was filed.

28 3. Substantial payments have been paid.

1 4. It is requested that the Court continue the Case
2 Management Conference some sixty days hence.

3 5. Good cause exists to grant plaintiff's request for a
4 continuance of the Case Management Conference currently set for
5 November 14, 2007 to January 16, 2008 to allow the parties time to
6 settle this case and avoid any unnecessary burden to the Court.

7 I declare under penalty of perjury that the foregoing is
8 true and correct to the best of my knowledge.

9 Executed on November 8, 2007 at San Francisco, California.

10
11 /s/ Michael J. Carroll
 Michael J. Carroll

PROOF OF SERVICE BY MAIL

I am a citizen of the United States and employed in the City and County of San Francisco, California. I am over the age of eighteen years and not a party to the within above entitled action; my business address is 220 Montgomery Street, Suite 303, San Francisco, CA 94104. On November 8, 2007 I served the within **DECLARATION OF ATTORNEY MICHAEL J. CARROLL IN SUPPORT OF PLAINTIFF'S EX PARTE APPLICATION FOR ORDER TO CONTINUE CASE MANAGEMENT CONFERENCE** on the defendant in said action, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States post office mail box at San Francisco, California, addressed as follows:

Tom Anthony
Concrete Surface Masters
1435 Koll Circle #107
San Jose, CA 95112

I, SHARON EASTMAN, certify (or declare), under penalty of perjury that the foregoing is true and correct.

Executed on November 8, 2007 at San Francisco, California.

/s/Sharon Eastman
Sharon Eastman